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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ENRIQUE MATA

No. C 08-4525 SI (pr)

Petitioner,

**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

v.

MICHAEL MARTEL, Warden,

Respondent.

Petitioner filed a notice of appeal and an application for a certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). That is, he has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: December 15, 2009

  
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SUSAN ILLSTON  
United States District Judge